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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/558,895	11/30/2005	Johannes Bergmann	2003P07420WOUS	4666

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SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
170 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER
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WYLLIE, CHRISTOPHER T

ART UNIT	PAPER NUMBER
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2619

MAIL DATE	DELIVERY MODE
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06/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/558,895	<b>Applicant(s)</b> BERGMANN ET AL.	
	<b>Examiner</b> CHRISTOPHER T. WYLLIE	<b>Art Unit</b> 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/30/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED OFFICE ACTION

1. Claims 4-6 are pending in Application 10/558,895. Claims 1-3 have been cancelled.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Hackney (US 7,359,984).

Regarding claim 4, AAPA discloses a method for relaying Internet Protocol packets to a control component assigned to a network node in a communication network (**paragraph 0026, lines 1-5 [the request reaches the control component via filters in the network node which identifies the protocol ID and relay the packets to the control component]**), the communication network having a plurality of network nodes and switching IP packets (**see Figure 1, Nodes A-H [the nodes make up the communication network and allow User X to communicate with User Y]**), the method comprising: receiving an in-band packet at an interface of the network node (**paragraph 0017, lines 1-2, paragraph 0021, lines 1-2, and Figure 1, User X and Node A [subscriber X generates an in-band resources request to the network for a data stream to Subscriber Y via Node A]**); identifying the packet based on a protocol field of a header in the packet and routing the modified packet to the control component (**paragraph 0022, lines 1-3 and paragraph 0023, lines 1-3 [the packets are specifically characterized by the defined IP protocol type "RSVP" in the IP header, the router identifies this protocol type and relays the message to the control component]**). AAPA do not disclose inserting a value assigned to the receiving interface into a field of the header and the value is different than another value assigned to non-receiving interface of the network node. Hackney discloses such a feature (**see Figure 5, DSCP Field 510 and column 3, lines 56-59 [router 200 modifies the DSCP to correspond to the destination of the message]**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of Hackney into the system of AAPA. The method of Hackney can be implemented by enabling Node A to modify a DSCP field in the message to the destination of the message. The motivation for this is enable the system to forward the packets based on the information in the DSCP Field.

Regarding claim 5, AAPA further teaches prior to routing the modified packet, the packet is identified as an RSVP type packet (**paragraph 0022, lines 1-3 and paragraph 0023, lines 1-3 [the packets are specifically characterized by the defined IP protocol type "RSVP" in the IP header, the router identifies this protocol type and relays the message to the control component]**). Hackney further teaches that the value of a DSCP field in the header of the packet is modified as a function of the receiving interface (**see Figure 5, DSCP Field 510 and column 3, lines 56-59 [router 200 modifies the DSCP to correspond to the destination of the message]**).

Regarding claim 6, Hackney further discloses that the DSCP Field contains the value assigned to the receiving interface (**see Figure 5, DSCP Field 510 and column 3, lines 56-59 [router 200 modifies the DSCP to correspond to the destination of the message]**).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER T. WYLLIE whose telephone number is

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(571) 270-3937. The examiner can normally be reached on Monday through Friday 8:30am to 6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher T. Wyllie/  
Examiner, Art Unit 2619

/CTW/  
Examiner, Art Unit 2619

/Edan Orgad/  
Supervisory Patent Examiner, Art Unit 2619